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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,284	09/16/2003	Seiji Nisiyama	01-469	9803
23400	7590	01/28/2005	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			GIBSON, ERIC M	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/662,284	NISIYAMA, SEIJI	
	Examiner	Art Unit	
	Eric M Gibson	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2 and 4 is/are rejected.

7) Claim(s) 3 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 16 September 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/16/03.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeGraaf (US005878368A).

a. Per claim 1, DeGraaf teaches a car navigation system that includes road map data indicating at least one of a branch point, a junction point, and an intersection point, and link data indicating a road between the points (column 3, lines 4-7), a route searching unit for searching for a route between two points (column 5, lines 49-51), a commanding unit for commanding that the route searching unit select a route as giving priority to a special type of road (column 2, lines 15-18), wherein when the route searching unit is commanded to select a route as giving priority to a special type of road, the route searching unit preferentially selects a route including a road that corresponds to the special type (column 2, lines 19-24). DeGraaf does not specifically teach giving priority to an automatic travel road. However, DeGraaf teaches that the system is designed for a user to give priority to a specific road that a user wishes either to avoid or as a preference (column 1, lines 52-60). Among the many enumerated special roads are highways and toll roads (column 2, lines 35-40). An "automatic travel

road" is simply another type of special road for which the system of DeGraaf can be provided to indicate a user preference in route searching.

b. Per claim 2, DeGraaf teaches that the link data of the road map data includes a cost and that the route searching unit selects a given route with a minimum cost (column 2, lines 9-14), and the cost of a road that is given priority is made smaller (column 2, lines 15-24).

c. Per claim 4, DeGraaf teaches a route searching method used in a car navigation system that includes road map data indicating at least one of a branch point, a junction point, and an intersection point, and link data indicating a road between the points (column 3, lines 4-7), searching for a route between two points (column 5, lines 49-51), commanding that the route searching unit select a route as giving priority to a special type of road (column 2, lines 15-18), wherein when it is commanded to select a route as giving priority to a special type of road, a route is selected including a road that corresponds to the special type (column 2, lines 19-24). DeGraaf does not specifically teach giving priority to an automatic travel road. However, DeGraaf teaches that the method is designed for a user to give priority to a specific road that a user wishes either to avoid or as a preference (column 1, lines 52-60). Among the many enumerated special roads are highways and toll roads (column 2, lines 35-40). An "automatic travel road" is simply another type of special road, like highways and toll roads, for which the method of DeGraaf can be provided to indicate a user preference in route searching.

Allowable Subject Matter

2. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
 - a. Per claim 3, the prior art does not teach or reasonably suggest in combination the present invention including determining whether a vehicle where the car navigation system is mounted has an automatic travel guiding device and only when it is determined that the vehicle has, the automatic travel guiding device is priority given to an automatic travel road by the route searching unit as claimed.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seibel (US006484092B2) teaches a method and system for dynamic and interactive route finding. Aito et al. (US005991689A) teaches a navigation system with switching between an ordinary road preferential mode and a toll road preferential mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Gibson whose telephone number is (703) 306-4545. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EMG



THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3822